

CITY OF CLEWISTON
Regular Commission Meeting
December 21, 2015

The City of Clewiston City Commission held its regular Commission meeting in the City Hall Commission Chambers Monday, December 21, 2015. The meeting was called to order at 5:00 p.m. by Mayor Phillip Roland. The audience joined in reciting the Lord's Prayer and the Pledge of Allegiance.

Commissioners Present: Mayor Phillip Roland, Commissioner Mali Gardner, Commissioner Sherida Ridgill, and Commissioner Julio Rodriguez. Vice Mayor Kristine Petersen was absent.

Personnel Present: City Manager Al Perry, City Clerk Shari Howell, City Attorney Charles Schoech, Code Enforcement Officer Debbie McNeil, Community Development Director Travis Reese, Police Chief Don Gutshall, Police Lieutenant Michael Rowan, Police Officer Curtis Clay, Police Officer Steven Chamberlain, Recreation Director Lance Ramer, Golf Course Director Robbie Rush, City Engineer Tommy Perry and Scott Jones, Lynne Mila, Geraldine Eaton and Jay Ensminger.

Visitors Present: Asa Godsey, Betty Godsey, Christine Howell, John Eaton, Terry Gardner, Jerry Cochran, Laura Smith, Luann Walker, Michael Atkinson, Antonio Perez, Melanie McGahee, Raynette Ensminger, Ninette Aker, Melissa Beltz, Raoul Bataller and Margaret Wuerstle.

ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA

City Manager Perry requested permission to write a letter to the Florida Department of Transportation, to be signed by Mayor Roland, regarding concerns about the current condition of the traffic signals on US Highway 27 be added to the consent agenda. He also requested to address item three (3) before item two (2) on the regular meeting agenda.

RECOGNITION OF 2015 EMPLOYEES OF THE YEAR – The Commission acknowledged the City's 2015 Employees of the Year. City Manager Perry introduced each employee, recognizing their achievement with a plaque. The 2015 Employees of the Year: Utilities Department – Miguel Sanchez, Public Works Department – Jay Ensminger, Police Department – Curtis Clay, General Services – Geraldine Eaton and Director of the Year – Utilities Director Danny Williams. Geraldine Eaton was also recognized for being the City-wide Employee of the Year.

PRESENTATION – UPDATE ON DEO TECHNICAL ASSISTANCE GRANT – MARGARET WUERSTLE, SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL - Ms. Margaret Wuerstle with the Southwest Florida Regional Planning Council gave an update regarding the \$25,000 Revitalization Plan Grant for the US Highway 27 Corridor. The grant contract is currently with the state in order to be fully executed. The scope of work within the grant cannot be started until the City receives the executed grant contract. The work involved must be completed by May 2016. The grant requires specific deliverables that must be completed. The deliverables are comprised of an assessment of the existing conditions of the target areas, a development of community vision, identification of target markets and new opportunities, identification of low cost strategies for improving aesthetics and strengthening local businesses, identification of funding sources, mobilization of resources and coalition building and development of an implementation strategy and action plan. Ms. Wuerstle stated she was aware the Commission was interested in developing some sort of controls for colors on buildings. She said her agency was currently researching this issue and their attorney had contacted several cities in Florida who have addressed this issue. She stated she had also contacted the American Planning Association who supplied her with information regarding this topic; she felt there would be a good source of resources from which to draw. The first deliverable is due in March, two in April and the final deliverable in May. Commissioner Gardner felt addressing Highway 27 had been a long time coming and stated her view that this was definitely a priority and the City Manager should insure staff was available to aid in making this effort happen.

Ms. Wuerstle stated the Southwest Florida Regional Planning Council (SWFRPC) had been a finalist for the federal designation of a "Promise Zone" in 2015. This designation would include Hendry and Glades Counties as well as Immokalee in Collier County. She said the SWFRPC is planning to submit another application this year for the designation and, should it be received,

there would be many benefits for the counties and cities included. Promise Zone benefits include a preference for certain competitive federal grant programs and technical assistance from participating federal agencies, possible tax incentives within the “Promise Zone”, a federal liaison assigned to help navigate federal programs and an opportunity to engage five (5) AmeriCorps VISTA members in the “Promise Zone’s” work. She requested that the City pass a resolution of their support for this application designation before the end of February.

1. Consent Agenda

A. Recreation Workshop Minutes – October 12, 2015

B. Recreation Workshop Minutes – November 2, 2015

C. Commission Workshop Minutes – November 12, 2015

D. Commission Meeting Minutes – November 16, 2015

E. Approval of 2016 Commission Meeting Schedule

F. Hendry County Library Cooperative Annual Plan of Service 2015-2016 Approval

ADDITION G. Letter to Florida Department of Transportation, signed by Mayor, regarding concerns of current condition of traffic signals on US Highway 27.

Exhibit: Agenda Item No. 1A – 1F

Commissioner Gardner made a motion, seconded by Commissioner Ridgill, to approve the consent agenda. Vote 4 yeas, 0 nays

RESOLUTION

- 3. Resolution No. 2015-20** – This resolution provides a way for the City, a member of the National Flood Insurance Program; seeking to improve its flood resiliency, to implement performance measures to achieve eligibility for Community Rating System and establishes an effective date. This resolution is a federal requirement to join the Community Rating System in order to hopefully offer citizens a discount on required flood insurance. Community Development Director Travis Reese gave a presentation regarding the seven (7) steps required to become eligible to join the Community Rating system. He also briefed the Commission on a webinar he attended regarding the Dam Safety Study being conducted by the federal government. City Manager Perry read Resolution No. 2015-20 by title.

Commissioner Gardner made a motion, seconded by Commissioner Rodriguez, to approve Resolution No. 2015-20. Vote 4 yeas, 0 nays

ORDINANCE

- 2. Ordinance No. 2015-04 – First Reading** Ordinance 2015-04 amends Chapter 6-Alcoholic Beverages, by adopting a new Section 6-6. The purpose of this ordinance is to authorize the sale and consumption of beer and wine on certain real property owned by the City during the open and operating hours of the annual *Sugar Festival*. City Manager Perry read Ordinance No. 2015-04 by title. There was discussion regarding the ordinance and an explanation of liability issues associated with permitting beer and wine consumption at the Sugar Festival as well as other permitted events.

Commissioner Gardner made a motion, seconded by Commissioner Rodriguez, for Ordinance No. 2015-04 to read: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA AMENDING CHAPTER 6-ALCOHOLIC BEVERAGES, BY ADOPTING A NEW SECTION 6-6, OF PERMITTED SPECIAL EVENTS AUTHORIZING THE CONSUMPTION OF BEER AND WINE DURING PERMITTED SPECIAL EVENTS ON CERTAIN REAL PROPERTY OWNED BY THE CITY; PROVIDING AUTHORITY TO CODIFY, A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE; AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. And, throughout the ordinance, remove “Sugar Festival” and utilize only permitted events. Vote 3 yeas, 1 nay – Commissioner Ridgill voting nay.

It was clarified each permitted event would have to have prior written approval from the City Commission before beer and wine consumption would be authorized. City Manager Perry read a statement from Vice Mayor Petersen regarding approving Ordinance 2015-04. He

also read a list of questions and answers stemming from the discussion at the December 17th Commission Workshop. Resident Christine Howell voiced concerns regarding coolers not being allowed at the festival. She said families with young children relied on coolers for refreshments/milk. Commissioner Ridgill stated she was not in favor of having alcohol at the Sugar Festival. She said, should the Ordinance pass, she would recommend utilizing a beer garden as initially recommended by Commissioner Rodriguez during the Commission workshop.

MISCELLANEOUS ACTION AND DISCUSSION ITEMS

4. **Award of 2016 Sidewalk Replacement Project** – This project was advertised in the Clewiston News on November 5, 2015. The bids were opened on November 24, 2015 and ranged from \$34,025 to \$86,900.

Commissioner Gardner made a motion, seconded by Commissioner Rodriguez, to approve awarding the 2016 Sidewalk Project to the low bidder, David's Carpentry & Concrete, for \$34,025. Vote 4 years, 0 Nays

5. **Award of 2016 Building Painting Project** – This project was advertised in the Clewiston News on November 5, 2015. The bids were opened on November 24, 2015 and ranged from \$39,650 to \$83,200

Commissioner Gardner made a motion, seconded by Commissioner Ridgill, to approve awarding the 2016 Building Paint Project to low bidder, MCM Paints, for \$39,650. Vote 4 years, 0 Nays

6. **Award of 2016 Grounds Maintenance Contract** – This contract was advertised in the Clewiston News on December 3, 2015. The bids were opened on December 18, 2015. Staff recommends awarding the 2016 Grounds Maintenance Contract to Cross Training Ministries for \$59,000.

Commissioner Ridgill made a motion, seconded by Commissioner Gardner, to award the 2016 Grounds Maintenance Contract to Cross Training Ministries for the amount of \$59,000. Vote 4 years, 0 nays.

7. **Amendment to the Revised and Restated Interconnection Agreement among United States Sugar Corporation, the City of Clewiston and Florida Municipal Power Agency** – This amendment is required in order to include United States Sugar Corporation in regards to *the power factor*.

Commissioner Gardner made a motion, seconded by Commissioner Ridgill, to approve the amendment to the Revised and Restated Interconnection Agreement among United States Sugar Corporation, the City of Clewiston and Florida Municipal Power Agency and authorize the Mayor to sign. Vote 4 years, 0 nays

8. **S-169 Structure – Cooperative Agreement between the City of Clewiston and the South Florida Water Management District** – This agreement includes revisions to and supersedes the initial agreement approved by the Commission at the October 19, 2015 Commission meeting. The purpose of the agreement is to acknowledge the desire of both parties to cooperate with regard to replacement structure, removal of S-169 and a replacement canal crossing at or near the old S-169 location and specifies each party's mutual covenants, promises and agreements in regards to this project.

Commissioner Gardner made a motion, seconded by Commissioner Rodriguez, to approve the proposed Cooperative Agreement between the City of Clewiston and the South Florida Water Management District, which states the District owns and operates the S-169 to provide flood protection and water supply benefits to the area. Vote 3 years, 1 nay – Commissioner Ridgill voting nay.

- 9. Recreation fee structure and John Boy Auditorium Non-Profit Rental Policy** – Staff presented a Recreational fee structure for parks/pavilions, a ten (10) percent capital improvement/maintenance fee to be added to all rental fees for the Recreation buildings and parks/pavilions, to be utilized solely for capital improvements and required maintenance on the buildings and parks/pavilions, as well as a procedure/policy for non-profit organization rental of the John Boy Auditorium. Commissioner Rodriguez stated he felt residents utilizing the park facilities for a family picnic should not be charged a fee. He said he felt the businesses providing structures for parties should be charged. He said he would not be in support of the Recreational Fee Structure as presented. Commissioner Gardner stated the fees would be charged to those wishing to reserve the facilities. Mayor Roland stated he wanted to insure residents understood alcohol would not be allowed at the park facilities. Commissioner Rodriguez voiced concerns regarding the monitoring of the park facility rentals.

Commissioner Gardner made a motion, seconded by Commissioner Ridgdill, to approve the Recreational Fee Structure for parks and pavilions as presented and to include a ten (10) percent capital improvement/maintenance fee on all building and park and pavilion rental fees in order to establish revolving capital maintenance funds for buildings and park pavilions and even, in the future, park rangers. Vote 3 yeas, 1 nay – Commissioner Rodriguez voting nay.

Commissioner Gardner made a motion, seconded by Commissioner Ridgdill, to approve the policy and procedures for non-profit organization rental of the John Boy Auditorium as presented and establishing a daily usage fee of \$100 per day on building rentals above and beyond the normal use of the three day usage included in the rental.

Commissioner Gardner withdrew her motion.

Commissioner Gardner made a motion, seconded by Commissioner Ridgdill, to approve the policy and procedures for non-profit organization rental of the John Boy Auditorium, as presented, and establishing a daily usage fee of \$100 per day on building rentals above and beyond the normal use of the three (3) day usage included in the rental, and to incorporate a ten (10) percent capital improvement fee for all John Boy Rentals. Vote 4 yeas, 0 nays

Commissioner Ridgdill made a motion, seconded by Commissioner Gardner, to include a ten (10) percent capital improvement/maintenance fee for any building facility rentals. Vote 4 yeas, 0 nays

- 10. Discussion Rental Inspection Policy** – City Manager Perry stated staff was currently working on a rental inspection policy, but at this time he was not ready to present it to the Commission. He said the plan staff was working on would require all landlords to register all rental properties within the City, pull an annual permit and list all rental properties and list who the owner and property rental manager is for each property. Each rental property would be inspected at least one time every three (3) years.
- 11. Update on Code Enforcement** – Code Enforcement Officer Debbie McNeil gave an update on code enforcement. She stated the Special Magistrate meeting was held on November 18, 2015. January 27, 2016 will be the next scheduled Special Magistrate meeting. There was discussion regarding RV units. The general consensus of the Commission was to look at revising the ordinance that addressed RV units.
- 12. Departmental Monthly Activity Reports** - Presented for information only.

PUBLIC COMMENTS - At this time, any person will be allowed to speak on any matter that pertains to City business.

Jerry Cochran addressed the Commission concerning the noise level of the train whistles during the night. He noted he had brought this issue up at the previous Commission meeting

and inquired whether the Commission was interested in addressing the matter. City Manager Perry was directed to contact the railroad to discuss the noise concerns. Melanie McGahee addressed the Commission regarding questionnaires sent to trailer park owners and inquired whether the City had received the questionnaires back from the owners. She also asked what the next step would be concerning unpaid code enforcement liens. City Attorney Schoech stated the next step would be to foreclose on the properties. Antonio Perez stated he had attended the Special Magistrate meeting and felt very discouraged. He stated he felt the City was not being represented in a good manner during the Special Magistrate hearing. He encouraged the Commission to attend the hearings. Luann Walker, Sugar Realty, stated her company was the largest rental management company in Clewiston. She said she was disappointed at the lack of communication regarding any discussion regarding addressing the rental inspections. The Commission explained the discussion was a result of input from residents/property managers attending the Commission meetings. Commissioner Gardner stated the Commission had directed City Manager Perry to engage the involved resident/property owners in the process of coming up with a feasible solution to the issues concerning the rental inspections which would be fair and adequate to everyone involved. Ms. Walker was advised to perhaps attend the Commission meetings and add her input as well. The Commission conveyed City Manager Perry would also take her input into consideration when devising a rental inspection policy.

COMMENTS FROM CITY MANAGER

COMMENTS FROM THE CITY ATTORNEY

COMMENTS FROM THE CITY COMMISSION

Commissioner Gardner stated she would like the Commission to address the time frame hurricane shutters should be allowed to be placed on buildings on the next agenda. She said she has seen single family homes that have been boarded all year long. Commissioner Rodriguez said the new signage on US Highway 27 was too redundant. Commissioner Gardner said this issue should be addressed in the letter to FDOT regarding the traffic signals. Commissioner Ridgill asked City Manager Perry what was happening with the Finance Director position. She noted it was a key position in the charter. City Manager Perry stated he wasn't prepared to discuss the matter in an open meeting, but he and staff were close to making a decision regarding the handling of the position and he would send the Commission an email in the morning updating them on the matter.

The meeting was adjourned at 7:40 p.m.

Phillip Roland, Mayor

Shari Howell, City Clerk